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Written statement* submitted by the Al-Haq, Law in the service of man, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Upholding Justice at the Human Rights Council: Necessary Action to Address Israeli Impunity

Al-Haq welcomes the opportunity to participate in and contribute to the Human Rights Council (HRC), particularly under Agenda Item 7. Al-Haq remains deeply concerned about Israel's prolonged occupation and its continued breach of international law in the Occupied Palestinian Territory (OPT). Israel's offensive in both the West Bank and the Gaza Strip during the summer of 2014, which killed over 2,000 Palestinians, is a stark reminder of Israel's impunity. Israel not only repeatedly fails to fulfil its obligations as an Occupying Power, it unquestionably benefits from its violations of international law, including through its settlement enterprise and control over Palestinian natural resources. In this statement, Al-Haq will highlight Israel's overarching methods of control in the West Bank, and the failure to provide any means of redress for Palestinian victims. Al-Haq will also provide the member states of the HRC with recommendations necessary for the plight of justice in addressing the Israeli occupation.

Excessive use of force and impunity

Israel's "Operation Brother's Keeper" in the West Bank during the summer of 2014 was characterised by unlawful and excessive use of force, arbitrary arrests and detention, home-raids and village closures that may amount to collective punishment, and the confiscation of property estimated at approximately $3 million.[1] "Operation Brother's Keeper" is reflective of Israel's broader ongoing policy of excessive use of force against Palestinian civilians. For example, on Monday 29 December 2014, the Israeli Occupying Forces (IOF) opened fire on and killed Palestinian youth, Imam Jamil Duweikat, 16, just south of Nablus city. There were no protests or clashes in the area at the time of the incident. In 2014, sixty-one Palestinians have been killed by IOF in the West Bank, including 31 killed during the summer offensive and 18 children in total.[2] From these incidents, only one Israeli policeman appears to have been prosecuted.[3]

Over the past year, Israel has also resumed its unlawful policy of punitive house demolitions, targeting 11 Palestinian houses and leaving 30 people displaced. One such incident occurred in August 2014 in Hebron, when Israeli forces demolished the homes of two suspects and made the home of a third suspect uninhabitable. At the time of this action, two of the suspects were at-large and had not been brought before a court to determine their guilt. The third suspect, while detained at the time, had not been sentenced.

Proliferation of settlements and exploitation of Palestinian natural resources in Area C

Israel's expansion of settlements and confiscation of Palestinian land continues unabated. In 2014 alone, nearly 17,433 dunums (approximately 4,307 acres) of land were confiscated in the West Bank; settlement expansion and land confiscation for 2014 was considered at one of its highest levels in years.[4]

The effects of Israel's settlement policies are clear: Palestinian land and resources are appropriated with their use benefiting the settler population and Israel's private economy; Palestinian livelihoods are diminished through dispossession, displacement and restrictions on freedom of movement and access; and, territorial contiguity necessary for a viable Palestinian state is being destroyed. As a result, West Bank communities are not only separated from Gaza, but also from each other.

Beyond the immediate consequences of Israel's settlement enterprise are the broader issues of the fundamental Palestinian right to self-determination, which includes sovereignty over land and natural resources. Most recently, in its

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[1] Euro-Mid Observer for Human Rights estimated that during the first 3 weeks of Israeli raids, Israeli forces took approximately $3 million in cash and property. http://euromid.org/en/article/533/Report:-Israeli-Forces-Stole-3-USD-Million-in-Cash--Property-from-Palestinians-During-West-Bank-Raids#sthash.IjnZ08us.pZwFCoyj.dpbs

[2] Al-Haq is defining the period of Operation Brother's Keeper from 13 June 2014 until the end of August 2014.

[3] http://www.reuters.com/article/2014/11/23/us-mideast-palestinians-israel-manslaugh-idUSKCN0J70FF20141123

[4] Statistics according to the Land Research Center. The 17,433 dunums of land includes lands that were previously confiscated, and in had their confiscations orders in 2014 extended until 2017.

Concluding Observations on Israel, the Human Rights Committee (Committee) urged Israel to "Ensure and facilitate non-discriminatory access of Palestinians in the Occupied Palestinian Territory, including East Jerusalem, to land, natural resources, water and sanitation."[5]

Rather than being the foundation for an independent Palestinian economy, agricultural land and natural resources including water, minerals, and oil and gas reserves in the OPT are being appropriated and exploited by Israel. In 2013 the World Bank estimated that the Palestinian economy loses $3.4 billion annually due to Israel's control over Area C, where the majority of natural resources are located.

The oil and gas industries are one clear example of Israel's control over resources and corresponding deliberate stagnation of the Palestinian economy. The Meged oil field spans from the West Bank Palestinian village of Rantis to *Rosh HaAyin* in Israel. Since 1948, Israel has repeatedly expropriated land from Rantis and its surrounding area for so-called "military training zones"[6] and settlements. More land was confiscated in 2003 for the construction of the Annexation Wall, which effectively creates an enclave around Rantis. Although the Palestinian Authority issued a global tender for oil exploration in 2014, any development of hydrocarbons by the PA at Rantis is unlikely as it straddles both Area B and Area C, and would therefore require Israeli permission. Instead, Israel continues to mine and exploit oil at Meged-5, a well extending into Palestinian territory at Rantis, for its own benefit."

Israel has also prevented access to the Palestinian Gaza Marine gas resources through its continued closure of Gaza's borders, including its shore. Although the Gaza Marine field is just under 20 nautical miles offshore and therefore within the area agreed upon for economic development by Oslo II (the Israeli-Palestinian Interim Agreement), Israel has imposed a 6-mile nautical closure of Gaza, making the field inaccessible. Fishermen operating well within this limitation have been routinely shot at by the Israeli navy, arrested, and have had their equipment and boats confiscated or destroyed.

In addition to gas and oil, water resources are also targeted by Israel. Israel regularly demolishes water structures in the West Bank, destroyed water structures in Gaza during its 2014 offensive, prevents the maintenance and construction of structures in Area C, effectively prevents such maintenance in Gaza due to the closure, and damages the supply to natural springs through settlement construction. The resultant effect of Israel's comprehensive, inequitable water policy is a water and sanitation crisis throughout the OPT. The exploitation of these and other natural resources by the State and businesses comes alongside deliberate attacks against other Palestinian resources by Israeli settlers. Between 30 December 2014 and 12 January 2015 alone, Israeli settlers vandalised 5,500 olive saplings and trees.

Item 7 as a means of accountability

There has been no real accountability for Israel's continued excessive use of force against Palestinian civilians. Indeed, members of the IOF are rarely prosecuted, while international efforts are largely ignored or hindered, as seen by the 2014 Gaza Commission of Inquiry's inability to enter the Gaza Strip following Israel's insistence on non-cooperation.

Likewise, the Israeli Occupying Power continues to appropriate Palestinian land, and to exploit natural resources or obstruct their development into viable economic products by Palestinians. Al-Haq underscores that an appropriate mechanism for reparation is not only a means for justice, but also for fulfilling the right to self-determination and sovereignty over natural resources. Notably, UN General Assembly resolutions have recognized the Palestinian right to "claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures taken by Israel."[7]

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[5] Id.

[6] Declaring land as military zones are one method of appropriation of land by Israel. According to OCHA, approximately "18% of the West Bank has been designated as a closed military zone for training or "firing zone".
http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf

[7] United Nations General Assembly Resolution 66/225 of 29 March 2012, paragraph 3. *See also* General Assembly Resolution A/RES/69/233 from December 2014 which expanded claims to damage caused by Israeli settlers. UN document A/69/475. The preceding Special Rapporteur on the situation of human rights

Al-Haq accordingly calls on member states of the HRC to:

- Support UN HRC resolutions that affirm the Palestinian right to self-determination and permanent sovereignty over their natural resources and promote the idea of reparation, and accordingly:
- Recall the precedent set by 'conflict diamonds' and to support the establishment of an effective mechanism to investigate and report on, *inter alia*, business interests and the relationship between trade in settlement products and the entrenchment of the settlement enterprise;
- Draft and implement official guidance targeting companies based in the jurisdiction of member states, so that they do not participate in or benefit from Israel's illegal settlement enterprise, and more broadly ban products from settlements; and
- Fully and actively participate under item 7, including by supporting and endorsing the Commission of Inquiry's upcoming report, as well as resolutions under this item that promote the protection of the Palestinian people in conformity with international law. Full accountability for Israel's actions in the OPT is necessary to ensure greater protection for the civilian population.

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in the Palestinian territories also suggested called upon Israel to provide reparations. *See* Situation of human rights in the Palestinian territories occupied since 1967, 19 September 2012, A/67/379, para. 94